

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.622(b),)	MM Docket No. 00-124
Table of Allotments,)	RM-9893
Digital Television Broadcast Stations.)	
(Bryan, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 8, 2002

Released: April 15, 2002

By the Chief, Video Division:

1. The Commission has before it for consideration at the request of KWTX/KBTX license Corporation ("KWTX/KBTX"), licensee of station KBTX, NTSC channel 3, Bryan, Texas, the *Further Notice of Proposed Rule Making*, 16 FCC Rcd 21193 (2001), which proposed the substitution of DTV channel 50 for station KBTX assigned DTV channel 59

2. Initially the Commission issued the *Notice of Proposed Rule Making*, 15 FCC Rcd 12653 (2000), at the request of KWTX/KBTX proposing the substitution of DTV channel 33 for station KBTX's assigned DTV channel 59. In response the *Notice*, Centex Television Limited Partnership ("Centex") and Paxson Houston License, Inc. ("Paxson") filed oppositions to KWTX/KBTX's channel substitution proposal stating that adoption of the channel change at Bryan would cause interference to station KRHD-LP, KVUE-TV and would displaced Paxson's Houston translator, K33DB. Subsequently, KWTX/KBTX requested that the Commission consider the substitution of DTV channel 50 for DTV channel 59 in lieu of DTV channel 33. KWTX/KBTX claimed that the alternate channel change would eliminate all of the problems that were presented with the proposed allotment of DTV channel 33, while enabling KWTX/KBTX to construct its digital facility at its present site.

3. In response to KWTX/KBTX's request, the Commission issued the *Further Notice* seeking the substitution of DTV channel 50 for station KBTX's assigned DTV channel 59. KBTX, Centex and KVUE Television, Inc., the licensee of KVUE(TV), filed comments supporting the channel substitution proposed in the *Further Notice*.

4. We believe the public interest would be served by substituting DTV channel 50 for DTV channel 59, since it will permit KWTX/KBTW to maximize its DTV operation and build its digital facilities at its current site. DTV channel 50 can be allotted to Bryan, Texas, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 30-33-16 N. and 96-01-51 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments

under Section 73.623(c)(2) for Station KBTX-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
TX Bryan	50	1000	477	2247

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 30, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Bryan, Texas	29c, 50

6. IT IS FURTHER ORDERED, That within 45 days of the effective date of this *Order*, KWTX/KBTX License Corporation shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 50 in lieu of DTV Channel 59 for station KBTX-TV.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau